

Remarks

Applicants have amended the specification and claims 1, 10 and 20-23, cancelled coated substrate claims 3 and 5 without prejudice and added new coated substrate claims 24-26 as shown above. The amendments to coated substrate claim 1, method claim 21 and coating composition claim 23 address the 35 U.S.C. §112 rejection of claims 1-23. The amendments to claim 1 also incorporate the language of original claim 5. The amendments to coated substrate claim 10 are editorial in nature. The amendments to coated substrate claim 20 address the 35 U.S.C. §112 rejection of this claim and are supported at, e.g., paragraph 0047. The amendments to method claims 21 and 22 also align the coating composition language in these claims with that of amended coated substrate claim 1. The amendments to coating composition claim 23 generally align the coating composition language in this claim with that of amended coated substrate claim 1, but recite that “the polyester resin comprises between about 50 and 75 weight percent isophthalic acid based on the total weight of binder”. Coated substrate claims 24 and 25 are independent versions of original claims 9 and 12. Coated substrate claim 26 is similar to amended coated substrate claim 1 but recites that “the aromatic dicarboxylic acid comprises isophthalic acid” and that “the isophthalic acid is greater than about 85 weight percent based on the total weight of acids e amount”, using language supported at, e.g., paragraphs 0016 and 0018. Following entry of this amendment, claims 1, 2, 4 and 6-26 will be pending in this application.

The Examiner is requested to initial the Form PTO-1449 entry for GB 1 518 495 to confirm that this submitted reference was considered.

Rejection of claim 20 under 35 U.S.C. §112

Claim 20 was rejected under 35 U.S.C. §112, second paragraph as being indefinite on grounds inter alia that the language “as described herein” is improper”. Claim 20 has been amended to recite that the “composition when formulated to an initial white color and exposed outdoors in South Florida for 17 months at a 45 degree angle facing south, has an L value color change less than about 3 units compared to an unexposed panel”. This amendment

should overcome the §112, second paragraph rejection of claim 20 and applicants accordingly request its withdrawal.

Rejection of claims 1-23 under 35 U.S.C. §112

Claims 1-23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite on grounds that “the total weight of polyols” lacks antecedent basis. Claims 1, 20 and 23 have been amended to recite that the “binder comprises a polyester resin that is formed using at least one aromatic dicarboxylic acid and using polyols comprising at least one symmetric diol in an amount greater than 50 weight percent based on the total weight of polyols and at least one asymmetric diol in an amount greater than 20 weight percent based on the total weight of polyols”. This amendment should overcome the §112, second paragraph rejection of claims 1-23 and applicants accordingly request its withdrawal.

Rejection of claim 21 under 35 U.S.C. §102

Claim 21 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,968,775 (Toman et al.), on grounds that:

“Toman et al. teach a thermosetting polyester coating. Please see column 4, line 30 and on, including Example 1. This teaches a coil coating composition. The composition contains approximately 35 wt% of an asymmetric diol (2-methyl-1,3-propane diol) and approximately 65 wt% of symmetric diol. The polyester is formed from tere/isophthalic acids, an aromatic dicarboxylic acid. It is applied to a coil and cured. This meets claim 21.” (see the Office Action at page 2, numbered paragraph 5)

Reconsideration is requested. Claim 21 has been amended to align the coating composition language in this claim with that of original claim 5 which was said to be allowable. Claim 21 should thus be allowable for reasons like those put forth for claim 5. Applicants accordingly request withdrawal of the rejection of claim 21 under 35 U.S.C. §102(b) as being anticipated by Toman et al.

**Rejection of claims 1-4, 6-8, 10, 11, 13-20, 22 and 23
under 35 U.S.C. §102 and §103**

Claims 1-4, 6-8, 10, 11, 13-20, 22 and 23 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative under 35 U.S.C. §103(a) as obvious over Toman et al., on grounds recited at pages 4 and 5 of the Office Action. Reconsideration is requested. Independent claims 1 and 21 have been amended to align the coating composition language in these claims with that of original claim 5 which was said to be allowable. Claims 1-4, 6-8, 10, 11, 13-20 and 22 should thus be allowable for reasons like those put forth for claim 5. Claim 23 has been amended as indicated above and should similarly be allowable. Applicants accordingly request withdrawal of the rejection of claims 1-4, 6-8, 10, 11, 13-20, 22 and 23 under 35 U.S.C. §102(b) as anticipated by or, in the alternative under 35 U.S.C. §103(a) as obvious over Toman et al.

Claims 5, 9 and 12

Claims 5, 9 and 12 have been rewritten in independent form (see amended claim 1 and new claims 24 and 25) as recommended in the Office Action to include all of the limitations of the base claim and any intervening claims.

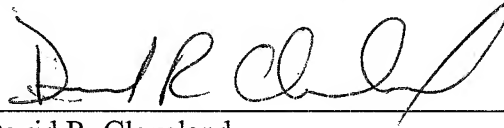
Conclusion

Applicant has made an earnest effort to address the rejections. Withdrawal of the rejections and passage of the application to the issue branch are accordingly requested. The Examiner is encouraged to telephone the undersigned attorney if there are any questions regarding the application or this amendment.

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Respectfully submitted on behalf of
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A handwritten signature in black ink, appearing to read 'D R Cleveland', written over a horizontal line.

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